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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/735,697

12/12/2000

Noel Lee

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7590

07/01/2009

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 07/01/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 09/735,697	<b>Applicant(s)</b> LEE, NOEL	
	<b>Examiner</b> Robert DeBeradinis	<b>Art Unit</b> 2836	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 09 March 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

The Appeal Brief filed March 9, 2006, is not compliant because:

1) copies of the 1.131(a) and 1.132 Declarations of Noel Lee, Karen Johnson, and Albert Mehrabian filed on December 20, 2000, discussed on pages 9, and 15, do not appear in the "Evidence Appendix" and  
2) copies of the articles by Leonard Wiener, entitled "SmartStrip" U.S. News & World report, published May 5, 1997, and as an anonymous article, entitled "Design Surge Protectors Debut from Kensington," Twice published April 7, 1997, discussed on page 12, do not appear in the "Evidence Appendix".

Further, it is noted that the "Evidence Appendix" in the Appeal Brief filed March 9, 2006, ends on page 43, but the "Related Proceedings Appendix" in the Supplemental Appeal Brief filed April 27, 2006, begins on page 52. Clarification is required regarding the status of pages 44-51.

An entire new brief need not, and should not, be file. Rather, a paper providing a revised "Evidence Appendix" as required by 37CFR 41.37(c)(1)(ix) will suffice. Failure to timely respond to the Office's requirements will result in dismissal of the Appeal. See MPEP 1215.04 and 711.02(b). Correction is required.

According to page 7 of the corrected Appeal Brief filed March 9, 2006 corrects the Appeal Brief filed on December 19, 2005, there is no record in palm that this Appeal Brief was filed, no evadance that this Appeal Brief was submitted .

/Robert DeBeradinis/  
Primary Examiner, Art Unit 2836